



Southern Review

of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

February 2017

The *Southern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the eight states in Federal Region 4, the *Southern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Southern Review* also helps installations meet ISO 14001 environmental management system requirements.

To read back issues of the *Southern Review* or other Army Regional Environmental and Energy Office *Reviews*, or to receive a monthly copy of this electronic publication, please [send an email request](#).

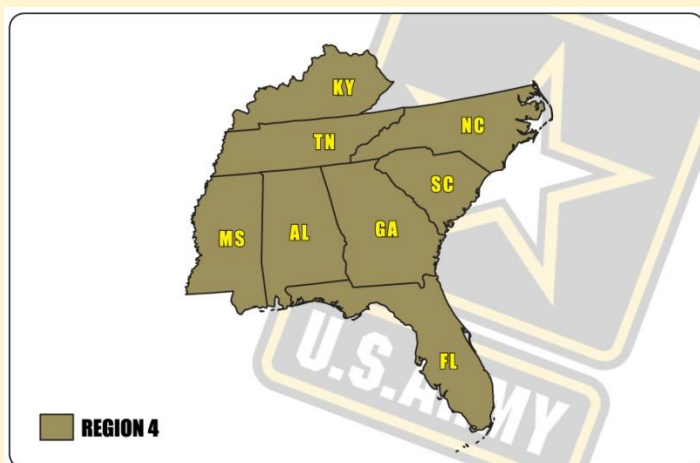


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2016 FEMP AWARDS

The U.S. Department of Energy's Federal Energy Management Program (FEMP) and the Interagency Energy Management Task Force presented the 2016 Federal Energy and Water Management Awards during a ceremony in Washington, D.C., on 9 DEC 16. These awards recognize individuals and organizations across the federal government in four categories—career exceptional service, contracting, programs, and projects—along with the prestigious Director's Award.

The Army team, which includes the U.S. Army Engineering and Support Center, Huntsville, received the highest percentage of the 30 energy and water awards with a total of nine awards. The team also received the Director's Award for achieving more than \$1 billion in performance contracts as part of the President's Performance Contracting Challenge. Army performance contracts recognized with this award represent savings of 1.1 trillion Btu of energy, 359 million gallons of water, and almost \$40 million in costs during fiscal year 2015.

The U.S. Army Corps of Engineers (USACE), Mobile District, received a project award for completing more than \$3 million worth of investments in energy conservation along the Tombigbee Waterway in Mobile, Ala., utilizing the first energy savings performance contract (ESPC) within USACE Civil Works. This innovative project demonstrated the viability of using an ESPC for investments among a series of small, geographically dispersed facilities. Specific energy conservation measures include high-mast lighting at the 10 locks and dams along the 234-mile navigation channel comprising the Tennessee-Tombigbee Waterway. The ESPC will result in 21.7 percent energy savings, with \$160,000 in annual cost savings.

The Honorable Katherine Hammack, former Assistant Secretary of the Army for Installations, Energy, and Environment, praised awardees, noting they are "helping lead the way" in energy and water conservation, renewable energy, integrated planning and design, and sustainability.

For more details, see the full article [here](#).

Region 4

For more information or to comment on any state issue in Region 4, please contact [Dave Blalock](#), REEO-S Regional Counsel, (404) 545-5655.



2017 LEGISLATIVE SESSION: 7 FEB THROUGH 22 MAY

There are no significant legislative actions to report.

PROPOSED RULES

REVISIONS TO DIVISION 3. The Alabama Department of Environmental Management (ADEM) proposes several [amendments](#) to Division 3 of the ADEM Administrative Code. Proposed revisions incorporate by reference changes to the Environmental Protection Agency's (EPA's) New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The definition of volatile organic compounds (VOCs) in Chapter 335-3-1 is proposed for revision to be consistent with EPA's revisions. Revisions are proposed to Chapter 335-3-8 to incorporate amendments to EPA's Cross State Air Pollution Rules (CSAPR); CSAPR amendments update the NO_x ozone season emission budgets for electric generating units within the state and implement these budgets via modification to the CSAPR NO_x ozone season allowance trading program established under the original CSAPR. Chapters 335-3-14, 335-3-15, and 335-3-16 are being revised to incorporate amendments to EPA public notice regulations. State plans to control emissions from Commercial and Industrial Solid Waste Incineration Units (CISWI) and emissions at Existing Municipal Solid Waste Landfills (MSWL) are also being revised. Chapters 335-3-1, 4, 14, 15 and 8 are considered part of the federally enforceable State Implementation Plan (SIP). Revisions to these chapters are proposed to be incorporated into Alabama's State Implementation Plan (SIP). ADEM published a [notice of intended action](#) on 31 JAN 17 and will hold a public hearing on 8 MAR 17. Comments are due no later than 10 MAR 17.



2017 LEGISLATIVE SESSION: 7 MAR THROUGH 5 MAY

FLORIDA HB 35, WELL STIMULATION TREATMENTS. Prohibits well stimulation treatments for exploration or production of oil or natural gas. Well stimulation treatment is "any treatment of a well designed to enhance oil and gas production or recovery by increasing the permeability of the formation or the flow of fluid through the well, including, but not limited to, hydraulic fracturing, acid fracturing, and acid matrix stimulation." Referred to committee on 9 JAN 17.

FLORIDA HB 181 (FLORIDA SB 464), NATURAL HAZARDS INTERAGENCY WORKGROUP. Creates an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to natural hazards. This bill requires certain agencies to designate liaisons to the workgroup, and it requires the Division of Emergency Management to prepare an annual progress report on implementation of the state's hazard mitigation plan. The division must submit the annual progress report to the governor and State Legislature. Referred to committee on 23 JAN 17.

FLORIDA HB 491, FLORIDA BLACK BEAR RESTORATION. Requires the Florida Fish and Wildlife Conservation Commission (FWCC), Department of Agriculture and Consumer Services (DACS), and Department of Environmental Protection (FDEP) to coordinate certain duties and responsibilities to protect Florida black bears and to preserve their habitat. The bill establishes a Bear-Resistant Garbage Container Account within the Nongame Wildlife Trust Fund to aid local governments in purchasing such containers. This measure prohibits certain activities in bear habitats, provides penalties for violating provisions, and requires certifications for prescribed burns in such habitats. Filed on 24 JAN 17.

FLORIDA SB 230, NON-NATIVE SPECIES ON STATE LANDS. Directs the FWCC, in consultation with the FDEP, to establish a pilot program for the eradication of specific non-native species on public lands. It requires the commission to enter into specified contracts with entities or individuals to capture or destroy the species on state lands. FWCC is to submit a report to the governor and the Legislature by 1 JAN 20. The bill provides an appropriation to the Land Acquisition Trust Fund of \$300,000 per year for two years to implement the pilot program. Filed on 3 JAN 17 and referred to committee on 12 JAN 17.

FLORIDA SB 456, RENEWABLE ENERGY PRODUCTION. Exempts producers of renewable solar-based energy from being defined as a public utility, provided the facility has a capacity of 2.5 megawatts or less. Filed on 24 JAN 17.

FLORIDA SB 532, PUBLIC NOTIFICATION OF POLLUTION. Creates the "Public Notice of Pollution Act," specifying authority of the FDEP. The bill requires the department to establish and publish the types and amounts of a substance that, if released, would constitute a reportable release; owners or operators at an installation where a reportable release occurs must report the release to FDEP. Notice does not constitute an admission of liability or harm. Filed on 24 JAN 17.

PROPOSED RULES

FLORIDA ENDANGERED SPECIES. FWCC plans to establish or revise rule provisions, during calendar year 2017, associated with species classified as Candidate Species, Endangered Species, Threatened Species, Species of Special Concern, and Marine Endangered and Threatened Species. FWCC published a [notice of development of rulemaking](#) 11 JAN 17.

FLORIDA STATE CISWI PLAN. FDEP invited public comment on a proposal to revise its pending CISWI State Plan submission to include EPA's 23 JUN 16 revisions to the model rules contained in 40 C.F.R. 60, Subpart DDDD and, pursuant to DEP's authority under 40 C.F.R. 60.2515(b), to provide for an equivalent production-based mercury emission limit for units in the waste-burning kiln subcategory. FDEP published [notice of the proposed rule](#) on 20 JAN 17.

FLORIDA TMDLS: MIDDLE ST. JOHNS RIVER BASIN, CALOOSAHATCHEE RIVER BASIN, CHARLOTTE HARBOR BASIN. FDEP is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for certain surface waters within the Middle St. Johns River Basin, Caloosahatchee River Basin, and Charlotte Harbor Basin, where those waters previously have been identified as impaired for specific pollutants and included on the department's verified list of impaired waters. FDEP published a [notice of development of proposed rule](#) on 17 JAN 17.

FINAL RULES

FLORIDA FEDERAL REGULATIONS ADOPTED BY REFERENCE. FDEP adopted amendments to [62-204.800, F.A.C.](#), which update adoption-by-reference of air pollution regulations promulgated by the EPA (40 C.F.R. Parts 51, 52, 58, 60, 61, 63, 70, and 81) to incorporate requirements of the department's federally approved and delegated air pollution programs. These rule amendments include the adoption by reference of the Emission Guidelines for existing Municipal Solid Waste Landfills (codified at 40 C.F.R. 60 Subpart Cf). FDEP published [notice on the final rule](#) on 13 JAN 17.



2017 LEGISLATIVE SESSION: 9 JAN THROUGH 24 MAR

GEORGIA SB 29, LEAD CONTAMINATION IN DRINKING WATER. Relating to general provisions relative to education, so as to require testing of drinking water in child care learning centers and schools for lead contamination; to provide for definitions; to provide for notice and reporting of test results and remediation plans; to provide for rules and regulations; to provide for an exemption.

There are no significant regulatory actions to report.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 30 MAR

KENTUCKY HB 107 (BR 403), SANITATION DISTRICTS. Limits a sanitation district's power to tax to the direct use of sanitary or storm sewers. The bill prohibits the taxation of indirect or imputed benefits.

There are no significant regulatory actions to report.



2017 LEGISLATIVE SESSION: 3 JAN THROUGH 2 APR

MISSISSIPPI HB 121, DISTRIBUTED ENERGY RESOURCE PROGRAM. An act to provide for the Mississippi distributed energy resource program. This measure provides for a net energy metering program that includes costs and the responsibilities of the public service commission and the public utilities staff relating to the net energy metering program. The bill requires the public service commission to promulgate standards for renewable energy facility interconnection, and it requires each distribution electric cooperatives board to consider net energy metering policies and to make a report to the public utilities staff. Referred to committee on 3 JAN 17; died in committee on 31 JAN 17.

MISSISSIPPI HB 653, BURN BAN VIOLATIONS. Provides certain penalties for the violation of a burn ban. Any person who knowingly and willfully violates an order under this section is guilty of a misdemeanor and may be either fined between \$250 and \$1,000 or imprisoned up to six months in jail, at the discretion of the court. Referred to committee on 13 JAN 17.

MISSISSIPPI HB 927, UNDERGROUND STORAGE TANK REGULATORY FEE. Revises the manner in which the underground storage tank regulatory fee is determined. This bill requires the Mississippi Commission on Environmental Quality (MCEQ) to consider the report from the underground storage tank advisory council and any public comments when setting the annual storage tank fee. Referred to committee on 16 JAN 17; died in committee on 31 JAN 17.

MISSISSIPPI HB 1264, ADMINISTRATIVE PROCEDURES. Requires all rules and regulatory policies that have been adopted by a state agency as a result of federal agency guidance documents, federal interpretation letters or any other federal guidance or agreement, and not also adopted using the notice and comment requirements stipulated by the Federal Administrative Procedures Act, will expire as of 31 DEC 17, unless the rule is readopted at least 60 days before its scheduled repeal. Referred to committee on 16 JAN 17; died in committee on 31 JAN 17.

MISSISSIPPI SB 2661/SB 2738, ENVIRONMENTAL JUSTICE. Requires the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with regard to the development and enforcement of environmental laws and the siting of certain facilities. Referred to committee on 16 JAN 17; died in committee on 31 JAN 17.

MISSISSIPPI SB 2783, ENVIRONMENTAL QUALITY FUND. Authorizes the MCEQ to establish fees necessary to defray the costs of operation of the commission and the Mississippi Department of Environmental Quality. Referred to committee on 16 JAN 17; died in committee on 31 JAN 17.

STATEWIDE PERMITS

MISSISSIPPI LARGE CONSTRUCTION STORM WATER GENERAL PERMIT (MSR10). The Department of Environmental Quality reissued the statewide [Large Construction Storm Water General Permit](#) (MSR10). The permit covers the state of Mississippi and authorizes the discharge of storm water runoff into waters of the state from construction sites that have installed best management practices for erosion and sediment control. Construction activities include clearing, grading, grubbing, excavating, and other land disturbing activities that disturb five acres or more. Large construction activities disturbing fewer than five acres are regulated by this permit, if the project is part of a larger common plan of development or sale with a planned disturbance of equal to or greater than five acres. This reissuance will allow the continued discharge of storm water for an additional five-year period. The department [published](#) notice on 13 JAN 17.



2017 LEGISLATIVE SESSION: 11 JAN THROUGH 1 JULY

There are no significant legislative actions to report.

PROPOSED RULES

NORTH CAROLINA HISTORICAL COMMISSION: ARCHAEOLOGICAL RESOURCES PROTECTION ACT. The Department of Natural and Cultural Resources proposes to combine a new Section .1600 within [07 NCAC 04R](#), which will govern the issuance of permits for underwater and terrestrial investigations conducted throughout the state. The department published a [notice of the proposed rule](#) on 17 JAN 17.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUN

SOUTH CAROLINA SB 24, SURFACE WATER STEWARDSHIP ACT. Amends section 49-4-35, as amended, relating to the registration of surface water use with the Department of Health and Environmental Control (DHEC). Provides that registered surface water withdrawers under certain conditions must obtain a surface water withdrawal permit rather than registering withdrawals; certain registered surface water withdrawers are exempt from the permitting requirement; and increases in surface water withdrawals by registered surface water withdrawers are subject to permitting requirements on the increased amount under certain circumstances. Referred to committee on 10 JAN 17.

SOUTH CAROLINA SB 109, UNMANNED AERIAL VEHICLES. Amends article 7, chapter 11, title 16 of the 1976 code, relating to trespasses and the unlawful use of the property of others, by adding section 16-11-605. Provides that it is unlawful to operate an unmanned aerial vehicle within a certain distance of a state or federal military installation and provides penalties for the violation. Referred to committee on 10 JAN 17.

PROPOSED RULES

SOUTH CAROLINA AIR POLLUTION CONTROL REGULATIONS AND STANDARDS. DHEC proposes to amend [Regulation 61-62](#), Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP). The department proposes to amend: Regulation 61-62.1, Definitions and General Requirements; Regulation 61- 62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); Regulation 61-62.63, NESHAP for Source Categories; and Regulation 61-62.70, Title V Operating Permit Program. The amendments incorporate by reference recent federal amendments promulgated from 1 JAN 16 through 31 DEC 16. The department also proposes to add Regulation 61-62.97, CSAPR Trading Program, to incorporate the EPA's CSAPR trading program for South Carolina in 40 CFR Part 97 for NO_x (Annual) and SO₂ (Annual), as published in the Federal Register on 8 AUG 11 ([76 FR 48208](#)) and subsequently amended on 3 DEC 14 ([79 FR 71663](#)), and 26 OCT 16 ([81 FR 74504](#)). The amendments will address mandatory transport and regional haze SIP infrastructure elements. DHEC published a [notice of drafting](#) on 27 JAN 17.

SOUTH CAROLINA AIR QUALITY PERMITTING EXEMPTION LIST (DECEMBER 2016). DHEC has [published](#) a current list of sources to be exempted from construction permitting without further review. The department determined that no construction permits shall be required for the sources listed unless otherwise specified by state or federal requirements. The exemption status may change upon the promulgation of new regulatory requirements applicable to these sources.



2017 LEGISLATIVE SESSION: 10 JAN THROUGH 14 APR

TENNESSEE SB 124, EMPLOYMENT PROTECTIONS. Extends certain employment protections to members of the Army and Air National Guards, state guards, and civil air patrols of other states consistent with protections that exist for members of the Tennessee Air National Guard, state guard, and civil air patrol. Filed on 17 JAN 17.

PROPOSED RULES

TENNESSEE SOLID WASTE PROCESSING AND DISPOSAL RULES. The Tennessee Department of Environment and Conservation (TDEC) proposes to amend the [Tennessee Solid Waste Processing and Disposal Rules](#), ranging from simple corrections of typographical errors and deletions of obsolete regulations to changes in permitting requirements for various categories of solid waste disposal facilities. TDEC published a [notice of the proposed rule](#) on 23 JAN 17.

TENNESSEE THREATENED AND ENDANGERED SPECIES LIST AND RULES. The Wildlife Resources Agency [proposes](#) to add a new rule chapter to the Threatened and Endangered Species List.

TENNESSEE TMDL FOR E. COLI. TDEC released a draft proposed TMDL for E. coli in the South Fork Holston River watershed, in eastern Tennessee. A number of waterbodies in the South Fork Holston River watershed are listed on Tennessee's Final 2014 303(d) list as not supporting designated use classifications due, in part, to pasture grazing or discharges from MS4 areas. The TMDL uses Tennessee's general water quality criteria, continuous flow data from a U.S. Geological Survey discharge monitoring station near the watershed, site specific water quality monitoring data, a calibrated hydrologic model, load duration curves, and an appropriate margin of safety to establish allowable loadings of pathogens, which will result in reduced in-stream concentrations and attainment of water quality standards. The TMDL requires reductions of E. coli loading from 15.9 to 99.8 percent in the listed waterbodies. TDEC issued a [notice of availability](#) on the proposed TMDL on 17 JAN 17.

TENNESSEE DRAFT ANTIDEGRADATION GUIDANCE DOCUMENT. TDEC proposed a framework for evaluating Aquatic Resource Alteration Permit (ARAP) and National Pollutant Discharge Elimination System (NPDES) permit applications that require review of social and economic necessity under the state of Tennessee's antidegradation policy. TDEC published the [draft guidance](#) on 23 JAN 17.

Federal Activity

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES: REGULATORY FREEZE PENDING REVIEW. The Assistant to the President and Chief of Staff issued a [memorandum](#) on 20 JAN 17 with the presidential directive to send no regulation to the Office of the Federal Register until a department or agency head appointed or designated by the president reviews and approves the regulation. Executive departments and agencies are to postpone the effective date for 60 days from the date of the memorandum for regulations that have been published in the Federal Register but have not taken effect. The delayed effective date may lead to additional notice and comment on the rulemaking. The Director or Acting Director of the Office of Management and Budget (OMB) may allow exceptions to the directive for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters. OMB published a notice on the memorandum in the Federal Register ([82 FR 8346](#)) on 24 JAN 17.

The proposed and final rules below may or may not be affected by the regulatory freeze.

EPA FINAL RULE DELAYING EFFECTIVE DATES FOR 30 REGULATIONS. EPA issued ([82 FR 8499](#)) a final rule on 26 JAN 17 delaying implementation of 30 regulations previously published in the Federal Register between 28 OCT 16 and 17 JAN 17. The rule identifies regulations affected and changes the effective date for these regulations to 21 MAR 17. The final rule became effective on 26 JAN 17.

AIR

CISWI: FEDERAL PLAN. EPA proposes a federal plan for existing CISWI units in states that do not have an approved state plan implementing EPA's Emission Guidelines ([82 FR 3554](#)). The federal plan includes the same elements required for state plans, including identification of legal authority and mechanisms for implementation; inventory of CISWI units; emissions inventory; compliance schedules; emissions and operating limits; operator training and qualification; testing, monitoring, recordkeeping, and reporting; public hearing; and progress reporting. Comments are due 27 FEB 17.

OZONE MODELING DATA FOR USE IN STATE IMPLEMENTATION PLANS. EPA provided notice that preliminary interstate ozone transport modeling data and associated methods relative to the 2015 ozone National Ambient Air Quality Standard (NAAQS) are available for public review and comment ([82 FR 1733](#)). This information is being provided to help states develop State Implementation Plans (SIPs) to address the requirements of the Clean Air Act for the 2015 ozone NAAQS. Information available includes:

- Emission inventories for 2011 and 2023, supporting data used to develop those emission inventories, methods and data used to process emission inventories into a form that can be used for air quality modeling; and
- Air quality modeling results for 2011 and 2023, base period (i.e., 2009-2013) average and maximum ozone design value concentrations, projected 2023 average and maximum ozone design value concentrations, and projected 2023 ozone contributions from state-specific anthropogenic emissions and other contribution categories to ozone concentrations at individual ozone monitoring sites.

PROTECTION OF VISIBILITY IN SIPs. EPA finalized revisions to SIP requirements for protection of visibility in mandatory Class I Federal areas ([82 FR 3078](#)). The revisions clarify the relationship between long-term strategies and reasonable progress goals in SIPs and the long-term strategy obligation of all states; modify requirements for SIP revisions and periodic progress reports; make changes to reasonably attributable visibility impairment and revoke most existing reasonably attributable visibility impairment federal implementation plans; and provide states with additional flexibility regarding impacts on visibility. EPA also made a one-time adjustment to the due date for the next periodic comprehensive SIP revisions by extending the existing deadline to 31 JUL 21.

HAPs TO INCLUDE N-PROPYL BROMIDE. EPA proposes to add n-propyl bromide, also referred to as [1-bromopropane](#), to the list of hazardous air pollutants (HAPs) ([82 FR 2354](#)). The agency is acting in response to petitions it received from the Halogenated Solvents Industry Alliance and the New York State Department of Environmental Conservation. According to an EPA evaluation, the petitions contained sufficient information to support a determination that emissions and ambient concentrations of 1-bromopropane may reasonably be anticipated to cause adverse health effects. 1-bromopropane is a solvent used in vapor and immersion degreasing operations, adhesive spray applications, dry cleaning, and solvent sprays used in aircraft maintenance. Comments are due 10 MAR 17.

ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER CLEAN AIR ACT. EPA adopted final amendments to federal Risk Management Program regulations, which apply to stationary sources that hold specific regulated substances in excess of threshold quantities ([82 FR 4594](#)). The facilities are required to assess their potential release impacts, take steps to prevent releases, plan for emergency response to releases, and summarize this information in a risk management plan submitted to EPA. In this rulemaking, the agency made several changes to the accident prevention program requirements, enhanced emergency response requirements, and made improvements to the public availability of chemical hazard information. In accordance with the 20 JAN 17 [memorandum](#) from the Assistant to the President and Chief of Staff, titled "Regulatory Freeze Pending Review," EPA published ([82 FR 8499](#)) a delay in the effective date of this rule to 21 MAR 17.

REVISIONS TO GUIDELINE ON AIR QUALITY MODELS. EPA adopted final revisions to the [Guideline on Air Quality Models](#) ([82 FR 5182](#)). The purpose of the guidelines is to promote consistency in the use of modeling within the air quality management process. EPA changed the preferred status of and removed several air quality models from appendix A of the guideline. EPA also updated and reorganized the guideline to streamline the compliance assessment process. In accordance with the 20 JAN 17 [memorandum](#) from the Assistant to the President and Chief of Staff, titled "Regulatory Freeze Pending Review," EPA published ([82 FR 8499](#)) a delay in the effective date of this rule to 21 MAR 17.

PROPOSED CONSENT DECREE: PERIODIC REVIEW OF AIR QUALITY CRITERIA AND NAAQS. EPA published notice of a proposed consent decree to address a lawsuit alleging EPA failed to complete periodic reviews of the air quality criteria and the primary NAAQS for sulfur oxides (SOx) and oxides of nitrogen (NOx) and to make revisions to existing standards or promulgate new NAAQS, as appropriate ([82 FR 4866](#)). The consent decree would establish deadlines for EPA to take specified actions. Comments are due 16 FEB 17.

OZONE TRANSPORT REGION: PETITION DENIED. EPA proposes to deny a petition requesting that the agency add the states of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia, and Virginia to the Ozone Transport Region (OTR) ([82 FR 6509](#)). As a result of the proposed denial, the geographic scope and requirements of the OTR would remain unchanged. Comments are due 21 FEB 17.

CLEANUP

SUBSURFACE INTRUSION COMPONENT TO HAZARD RANKING SYSTEM. EPA added a subsurface intrusion (SsI) component to the Hazard Ranking System (HRS), which is the principal mechanism EPA uses to evaluate sites for placement on the National Priorities List (NPL) ([82 FR 2760](#)). The addition of an SsI component to the HRS expands the number of available options for EPA and states to evaluate threats to public health from releases of hazardous substances, pollutants, or contaminants. According to EPA, this final rule will not affect the status of sites currently on or proposed to the NPL.

Consistent with requirements in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly referred to as Superfund, sites listed or proposed for listing will not be re-evaluated for an SsI pathway. In accordance with the 20 JAN 17 [memorandum](#) from the Assistant to the President and Chief of Staff, titled "Regulatory Freeze Pending Review," EPA published ([82 FR 8499](#)) a delay in the effective date of this rule to 21 MAR 17.

BROWNFIELDS FUNDING. EPA plans to make available approximately \$13 million to provide supplemental funds to Revolving Loan Fund capitalization grants previously awarded competitively under CERCLA ([82 FR 6548](#)). EPA will consider awarding supplemental funding only to grantees who have demonstrated an ability to deliver programmatic results by making at least one loan or sub-grant.

CLIMATE CHANGE

GHG EMISSIONS FROM ELECTRIC GENERATING UNITS: DENIAL OF RECONSIDERATION. EPA received 38 petitions for reconsideration of the final Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units. The agency is providing notice that it denied the petitions for reconsideration except to the extent they raise topics concerning biomass and waste-to-energy, and it is deferring action on the petitions to the extent they raised those topics ([82 FR 4864](#)). EPA also received 22 petitions for an administrative stay of this rule. The agency is providing notice that it denied these petitions. The notice of denial and administrative stay was published 17 JAN 17.

ENERGY

QUADRENNIAL ENERGY REVIEW. The U.S. Department of Energy (DOE) [released](#) the second installment of the Quadrennial Energy Review ([QER 1.2](#)). The QER, released in cycles, provides an integrated view of and recommendations for federal energy policy in the context of economic, environmental, occupational, security, and health and safety priorities. The first installment, QER 1.1, focused on the nation's energy infrastructure. The second installment, QER 1.2, focuses on transforming the nation's electricity system, analyzing trends and issues confronting the nation's electricity sector out to 2040, and examining the entire electricity supply chain from generation to end use. Within the context of three overarching national goals, recommendations in QER 1.2 are intended to enhance economic competitiveness, promote environmental responsibility, and provide for the nation's security. The report builds on analysis and recommendations in QER 1.1 on improving energy transmission, distribution, and storage infrastructures.

REFORM OF GENERATOR INTERCONNECTION PROCEDURES AND AGREEMENTS. The Federal Energy Regulatory Commission (FERC) is proposing to revise its regulations and the *pro forma* Large Generator Interconnection Procedures (LGIP) and *pro forma* Large Generator Interconnection Agreement (LGIA) ([82 FR 4464](#)). The proposed revisions are intended to ensure that the generator interconnection process is just and reasonable and not unduly discriminatory or preferential. Specifically, FERC is proposing 14 revisions that focus on improving aspects of the *pro forma* LGIP and LGIA, the *pro forma* Open Access Transmission Tariff, and the commission's regulations. The proposed revisions fall into three broad categories and are intended to improve certainty in the interconnection process, improve transparency by providing more information to interconnection customers, and enhance interconnection processes. Comments are due 14 MAR 17.

HYDROPOWER IN UNDEVELOPED STREAM REACHES. The Water Power Technologies Office, Office of Energy Efficiency and Renewable Energy, extended the public comment period on its 2016 [request for information](#) on challenges and opportunities associated with hydropower development in undeveloped stream-reaches ([82 FR 5549](#)). The public comment period was extended to 10 FEB 17.

ENERGY EFFICIENCY STANDARDS FOR FEDERAL LOW-RISE RESIDENTIAL BUILDINGS. DOE published a final rule updating the federal energy efficiency performance standards for the construction of new federal low-rise residential buildings ([82 FR 2857](#)). The final rule updates the definition of federal building to include privatized military family housing and leased buildings. The rule updates the baseline federal residential standard to the 2015 International Energy Conservation Code (IECC), effective 13 MAR 17. The 2015 IECC includes explicit mechanical ventilation requirements for new homes. DOE believes the primary impact of this change will be to require agencies to use the newest residential

ventilation standards. The rule also updates the methodology used in the 30 percent savings calculation. The final rule applies to new federal low-rise residential buildings for which design for construction begins on or after 10 JAN 18.

WHISTLE-BLOWER PENALTIES. DOE adopted a final rule clarifying regulations for the assessment of civil penalties against certain contractors and subcontractors for violations of the prohibition against an employee who reports violations of law, mismanagement, waste, abuse or dangerous/unsafe workplace conditions, among other protected activities, concerning nuclear safety ([81 FR 94910](#)). In accordance with the 20 JAN 17 [memorandum](#) from the Assistant to the President and Chief of Staff, titled "Regulatory Freeze Pending Review," DOE published ([82 FR 8807](#)) a delay in the effective date of this rule to 21 MAR 17.

LAND USE

CLIMATE SMART BROWNFIELDS MANUAL. EPA [released](#) an online [Climate Smart Brownfields Manual](#) for communities that want to consider climate change as they assess, clean up, or redevelop brownfield sites. The manual provides guidance on best practices for climate change mitigation, adaption, and resilience at all stages of brownfields work, from planning to redevelopment. In addition, the manual contains case studies and links to additional resources that communities can use as they develop brownfields project plans.

MISCELLANEOUS

REDUCING REGULATION AND CONTROLLING REGULATORY COSTS. The new president issued an Executive Order (EO) on [Reducing Regulation and Controlling Regulatory Costs](#). For Fiscal Year (FY) 2017, unless prohibited by law, the EO requires agencies that propose or promulgate a new rule to identify at least two regulations to be repealed. For FY17, which is in progress, the EO specifies that any new incremental costs associated with new regulation be offset by the elimination of existing costs associated with prior regulations, to the extent prohibited by law. The EO does not accommodate cost benefit analysis for determining costs. Agencies will be required to submit cost estimates to the OMB.

CONSOLIDATED RULES OF PRACTICE. EPA revised its Consolidated Rules of Practice governing the administrative assessment of civil penalties and various other administrative adjudicatory hearings ([82 FR 2230](#)). The revisions simplify the administrative processing of cases by removing inconsistencies, codify electronic filing and service procedures, and streamline the procedures in cases initiated at EPA Headquarters. In accordance with the 20 JAN 17 [memorandum](#) from the Assistant to the President and Chief of Staff, titled "Regulatory Freeze Pending Review," EPA published ([82 FR 8499](#)) a delay in the effective date of this rule to 21 MAR 17.

NATURAL RESOURCES

NEW CATEGORIES OF SPECIAL USE PERMITS RELATED TO DESALINATION FACILITIES. The National Oceanic and Atmospheric Administration is requesting public comment on whether the Office of National Marine Sanctuaries should adopt two new special use permit (SUP) categories ([82 FR 3751](#)). The two new SUP categories are the continued presence of a pipeline transporting seawater to or from a desalination facility, and the use of sediment to filter seawater for desalination. While most current desalination activity in sanctuaries is occurring in California, the SUP categories are intended to apply across the national marine sanctuary system. Comments are due 13 FEB 17.

EXPEDITING ENVIRONMENTAL REVIEWS AND APPROVALS FOR HIGH PRIORITY INFRASTRUCTURE PROJECTS. The new president issued [EO 13766](#), which calls for expedited environmental reviews of high priority infrastructure projects. High priority infrastructure projects may be identified in one of three ways: by a request from the governor of a state, by a request from the head of any executive department or agency, or by the chairman of the White House Council on Environmental Quality (CEQ). Within 30 days after a request is made, the CEQ will decide whether an infrastructure project qualifies as a high priority infrastructure project. The EO requires CEQ to coordinate with the head of the relevant agency to establish expedited procedures and deadlines for completion of environmental reviews and approvals for identified high priority projects.

REVISIONS TO REGULATIONS FOR CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES. The U.S. Fish and Wildlife Service (FWS) revised regulations concerning enhancement-of-survival permits associated with Candidate Conservation Agreements with Assurances ([81 FR 95053](#)). FWS added the term “net conservation benefit” to the Candidate Conservation Agreements with Assurances regulations, and eliminated references to “other necessary properties” to clarify the level of conservation effort required for each agreement. In accordance with the 20 JAN 17 memorandum from the Assistant to the President and Chief of Staff, titled “Regulatory Freeze Pending Review,” FWS published ([82 FR 8501](#)) a delay in the effective date of this rule to 21 MAR 17.

GAO REPORT: CASE STUDY OF EFFECTIVENESS OF COMPENSATORY MITIGATION STRATEGIES. GAO released a report that evaluates FWS implementation of compensatory mitigation strategies, using FWS’s American Burying Beetle Conservation Efforts as the study subject ([GAO 17-154](#)). FWS signed an interagency agreement with the U.S. Army Corps of Engineers (USACE) in February 2016 to modify its Regulatory In-lieu fee and Bank Information Tracking System, referred to as RIBITS, to enable FWS to track its in-lieu fee programs. However, GAO found that FWS has not obligated funds for the necessary modifications or developed a timetable.

SUSTAINABILITY

FEDERAL PROCUREMENT. The U.S. Department of Agriculture (USDA) is proposing to amend the Guidelines for Designating Biobased Products for Federal Procurement ([82 FR 4206](#)). The amendments would designate 12 product categories composed of intermediate ingredient and feedstock materials within which biobased products would be afforded procurement preference by federal agencies and their contractors. USDA is also proposing minimum biobased contents for each of these product categories. Comments are due 14 MAR 17.

GAO REPORT ON BUILDING DESIGN STANDARDS. According to GAO, extreme weather cost the federal government more than \$320 billion over the last decade for repairs to federal infrastructure, among other fixes. Costs may rise as the climate continues to change. GAO’s prior work has found that using the best available climate information, including forward-looking projections, can help manage climate-related risks. In its evaluation on building design standards, , GAO found that standards-developing organizations generally have not used forward-looking climate information—such as projected rainfall rates—in design standards, building codes, and voluntary certifications and instead have relied on historical observations ([GAO 17-3](#)). Further, GAO found that some organizations periodically update climate information in standards, codes, and certifications, but others do not. GAO recommends that the National Institute of Standards and Technology, in consultation with the U.S. Global Change Research Program and the Federal Emergency Management Agency’s [Mitigation Framework Leadership Group](#), convene an ongoing government-wide effort to provide forward-looking climate information to standards organizations. The Department of Commerce neither agreed nor disagreed with GAO’s recommendation.

THREATENED AND ENDANGERED SPECIES

CIVIL PENALTIES. FWS issued a final rule adjusting for inflation the statutory civil monetary penalties that may be assessed for violations of service-administered statutes and their implementing regulations ([82 FR 6307](#)). The final rule was effective 19 JAN 17.

RUSTY PATCHED BUMBLE BEE. FWS added the [rusty patched bumble bee](#) (*Bombus affinis*) to the list of endangered species ([82 FR 3186](#)). In the U.S., the species is known or believed to occur in Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin. The final rule, effective 10 FEB 17, does not include critical habitat designation because, according FWS, critical habitat is not determinable at this time.

GIANT AND REEF MANTA RAY. NMFS announced a 12-month finding on a petition to list the [giant manta ray](#) (*Manta birostris*) and reef manta ray (*Manta alfredi*) as threatened or endangered ([82 FR 3694](#)). The service is proposing to list the giant manta ray as a threatened species throughout its range. If the listing is finalized, the service will designate

critical habitat, to the extent prudent and determinable. The service is not proposing to list the reef manta ray at this time. The manta ray species have global range, with the giant and reef rays overlapping in some locations and not in others. The giant manta ray is the more widely distributed, inhabiting tropical, subtropical, and temperate waters, while the reef manta ray is found in tropical and subtropical waters. Comments are due 13 MAR 17.

ALABAMA SHAD. NMFS announced a 12-month finding on a petition to list the [Alabama shad](#) (*Alosa alabamae*), finding that listing is not warranted at this time ([82 FR 4022](#)). Alabama shad are an anadromous species, spending part of their life cycle in the Gulf of Mexico, moving into rivers in the spring to spawn. The species is known or believed to occur in the following river basins: Apalachicola River; Mississippi River (including Upper Mississippi River Mainstem and Lower Mississippi River Mainstem); Missouri River; Meramec River; Ohio River; Arkansas River; Illinois and Marys Rivers; White River; Ouachita River; Pearl River; Lake Pontchartrain, Lake Maurepas, and the Tangipahoa River; Pascagoula River system; Mobile River Bay and Basin; Escambia and Conecuh Rivers; Choctawhatchee River; Ochlockonee River; Econfina River; and Suwannee River.

OCEANIC WHITETIP SHARK. In response to a petition, NMFS conducted a comprehensive status review for the [oceanic whitetip shark](#) (*Carcharhinus longimanus*) and determined that listing the species as threatened is warranted ([81 FR 96304](#)). The service is requesting public comment on the proposed determination to list the species, the development of protective regulations, and the designation of critical habitat. Oceanic whitetip sharks are found worldwide in warm tropical and subtropical waters between 20° North and 20° South latitude, but can be found up to about 30° North and South latitude during seasonal movements to higher latitudes in the summer months. Comments are due 29 MAR 17.

TOXICS

PROTECTING BEES FROM PESTICIDES. In January, EPA released a final [Policy to Mitigate the Acute Risk to Bees from Pesticide Products](#). The policy recommends changes to labels for pesticides that pose an acute risk to bees, while reducing potential impacts on growers. The agency will use its Tier I acute risk assessment to determine which products trigger concerns about pollinator risk. EPA also continues to support the development of managed pollinator protection plans by states and tribes to reduce pesticide exposure to bees. For more information, click [here](#).

CERTIFICATION OF PESTICIDE APPLICATORS RULE REVISION. EPA updated an existing rule concerning the application of restricted use pesticides (RUPs) ([82 FR 952](#)). The final rule is intended to improve the competency of certified applicators of RUPs, increase protection for noncertified applicators using RUPs under the direct supervision of a certified applicator through enhanced pesticide safety training and standards, and establish a minimum age requirement for certified and noncertified applicators using RUPs under the direct supervision of a certified applicator. In accordance with the 20 JAN 17 [memorandum](#) from the Assistant to the President and Chief of Staff, titled "Regulatory Freeze Pending Review," EPA published ([82 FR 8499](#)) a delay in the effective date of this rule to 21 MAR 17.

TSCA NOTIFICATIONS. Recent amendments to the Toxic Substances Control Act (TSCA) require EPA to designate chemical substances on the TSCA Chemical Substance Inventory as either active or inactive in U.S. commerce ([82 FR 4255](#)). The agency is proposing to require a retrospective electronic notification of chemical substances on the TSCA Inventory that were manufactured or imported for non-exempt commercial purposes during the 10-year time period ending 21 JUN 16. EPA is also proposing to establish procedures for forward-looking electronic notification of chemical substances on the TSCA Inventory that are designated as inactive, if and when the manufacturing or processing of such chemical substances for non-exempt commercial purposes is expected to resume. EPA is proposing the procedures regarding the manner in which such retrospective and forward-looking activity notifications must be submitted, the details of the notification requirements, exemptions from such requirements, and procedures for handling claims of confidentiality. Comments are 14 MAR 17.

PRIORITIZATION OF CHEMICALS FOR RISK EVALUATION UNDER TSCA. EPA is proposing to establish a risk-based screening process and criteria to identify chemical substances as either High-Priority Substances for risk evaluation, or Low-Priority

Substances for which risk evaluations are not warranted at the time ([82 FR 4825](#)). EPA will select candidate chemical substances for prioritization and screen high priority chemicals against several factors. Comments are due 20 MAR 17.

RISK EVALUATION SCOPING EFFORTS FOR 10 CHEMICAL SUBSTANCES UNDER TSCA. EPA scheduled a public meeting to help establish the scope of risk evaluations under development for the 10 chemical substances designated in December 2016 for risk evaluations under TSCA ([82 FR 6545](#)). Specifically, EPA is requesting comment on the conditions of use for the 10 chemical substances, which it will use as it develops the scoping documents for the TSCA risk evaluations. The meeting is scheduled 14 FEB 17.

CHEMICAL RISK EVALUATION. As required under TSCA, EPA is proposing to establish a process for conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment ([82 FR 7562](#)). Risk evaluation is the second step, after prioritization, in a new process of existing chemical substance review and management established under recent amendments to TSCA. This proposed rule identifies the steps of a risk evaluation process including scope, hazard assessment, exposure assessment, risk characterization, and finally a risk determination. EPA is proposing that this process be used for the first 10 chemical substances to be evaluated. Comments are due 20 MAR 17.

PROPOSED BAN ON TCE IN VAPOR DEGREASING. EPA is proposing to prohibit the use of trichloroethylene (TCE) in vapor degreasing and spot cleaning in dry cleaning facilities, and to impose prohibitions on its manufacture or import, processing, and distribution in commerce ([82 FR 7432](#)). EPA is also proposing to require manufacturers, processors, and distributors, except for retailers of TCE, to provide downstream notification of the prohibitions throughout the supply chain and to require limited recordkeeping. Comments are due 20 MAR 17.

PROPOSED BAN ON METHYLENE CHLORIDE AND N-METHYLPYRROLIDONE. EPA is proposing to prohibit most uses of methylene chloride and N-methylpyrrolidone (NMP) ([82 FR 7464](#)). For methylene chloride, the agency is proposing to prohibit the manufacture or import, processing, and distribution in commerce of methylene chloride for consumer and most types of commercial paint and coating removal. The rulemaking also prohibits the use of methylene chloride in these commercial activities. For national security, the proposal includes an initial 10-year exemption for certain critical coating removal uses. For NMP, EPA is proposing to prohibit the manufacture or import, processing, distribution, and use for commercial paint and coating removal. The agency is proposing a 10-year exemption for national security uses. As an alternate proposal, the agency is proposing that commercial users of NMP adopt a suite of practices to protect worker safety, and that manufacturers reformulate their products to reduce the percent by weight of the compound. The alternate proposal to reduce the percent by weight of NMP in paint removal compounds would allow DOD and contractors performing work for DOD to use products containing higher concentrations of NMP. Comments are due 19 APR 17.

CATEGORY 3 RADIOACTIVE MATERIAL REGULATIONS. In October 2016, the Nuclear Regulatory Commission (NRC) directed its staff to evaluate whether it is necessary to revise NRC regulations governing radioactive material source protection and accountability, focusing on Category 3 sources. As part of the evaluation, NRC is seeking input from licensees to inform its assessment of potential revisions to regulations or processes requiring Category 3 source protection and accountability ([82 FR 2399](#)). According to the NRC, Category 3 sources are typically used in practices such as fixed industrial gauges involving high activity sources (such as level, dredger, conveyor, and spinning pipe gauges) and well logging. If not safely managed, Category 3 sources could cause permanent injury to a person who handled them or was otherwise in contact with them for some hours. Comments are due 10 MAR 17.

BERYLLIUM. The Occupational Safety and Health Administration (OSHA) amended existing standards for occupational exposure to beryllium and beryllium compounds ([82 FR 2470](#)). OSHA has determined that employees exposed to beryllium at the previous permissible exposure level (PEL) face a significant risk of material impairment to their health through increased risk of developing chronic beryllium disease and lung cancer. The final rule set the 8-hour PEL of 0.2 micrograms of beryllium per cubic meter of air ($\mu\text{g}/\text{m}^3$) and an action level of 0.1 $\mu\text{g}/\text{m}^3$ as an eight-hour time-weighted average, and establishes a short term exposure level (STEL) of 2.0 $\mu\text{g}/\text{m}^3$ as determined over a sampling period of 15

minutes. In addition, the final rule specifies a suite of requirements for employers. The final rule is effective 10 MAR 17. For more information, click [here](#).

SIGNIFICANT NEW USE RULES WITHDRAWN. EPA withdrew direct final significant new use rules (SNURs) for two nanomaterials that were the subject of pre-manufacture notices ([82 FR 6277](#)). The substances included a bimodal mixture of multi-walled carbon nanotubes and other classes of carbon nanotubes (generic). The direct final rules were withdrawn because the agency received adverse comment. EPA intends to publish new SNURs for the substances. The direct final rule was withdrawn effective 19 JAN 17.

WASTE

RADIOACTIVE WASTE DISPOSAL: CONSENT-BASED SITING PROCESS. DOE is designing a consent-based siting process to establish an integrated waste management system to transport, store, and dispose of commercial spent nuclear fuel and high-level radioactive waste ([82 FR 4333](#)). The department is seeking input on the draft document, [Consent-Based Siting Process for Consolidated Storage and Disposal Facilities for Spent Nuclear Fuel and High-Level Radioactive Wastes](#). Comments are due 14 APR 17. For more information on consent-based siting, click [here](#).

WATER

NATIONWIDE PERMITS. USACE is reissuing 50 existing nationwide permits (NWP) with some modifications, two new NWPs, and one new general condition ([82 FR 1860](#)). The NWPs authorize activities that have no more than minimal individual and cumulative adverse environmental effects. The NWPs authorize a variety of activities, such as aids to navigation, utility line crossings, erosion control activities, road crossings, stream and wetland restoration activities, residential developments, mining activities, commercial shellfish aquaculture activities, and agricultural activities. The two new NWPs authorize the removal of low-head dams and the construction and maintenance of living shorelines. The NWPs are in effect from 19 MAR 17 to 18 MAR 22. For more information on USACE NWPs, click [here](#), or visit [regulations.gov](#) (Docket ID COE-2015-0017).

REVIEW OF NATIONAL PRIMARY DRINKING WATER REGULATIONS. EPA completed a review of existing national primary drinking water regulations (NPDWRs) to determine whether any need to be revised ([82 FR 3518](#)). EPA evaluated current information for regulated contaminants to determine if there is new information on health effects, treatment technologies, analytical methods, occurrence and exposure, implementation and/or other factors that provide a health or technical basis to support a regulatory revision that will improve or strengthen public health protection. Based on the results of the review, EPA determined that eight NPDWRs are candidates for regulatory revision. The eight NPDWRs are included in the Stage 1 and the Stage 2 Disinfectants and Disinfection Byproducts Rules, the Surface Water Treatment Rule, the Interim Enhanced Surface Water Treatment Rule, and the Long Term 1 Enhanced Surface Water Treatment Rule. In addition, the agency identified 12 other NPDWRs that were or continue to be addressed in recently completed, ongoing, or pending regulatory actions. EPA thus excluded those 12 NPDWRs from detailed review. Completion of the review does not represent a final regulatory decision, but rather the initiation of a process that will determine whether a rulemaking should be initiated to revise an NPDWR. Comments are due 13 MAR 17.

LEAD FREE PIPES, FITTINGS, FIXTURES, SOLDER AND FLUX FOR DRINKING WATER. EPA is proposing to make conforming changes to existing drinking water regulations based on the [Reduction of Lead in Drinking Water Act of 2011](#) and the [Community Fire Safety Act of 2013](#) ([82 FR 4805](#)). The amendments are intended to assure that individuals purchasing, installing, or inspecting potable water systems can identify lead free plumbing materials. Specifically, EPA is proposing to establish labeling requirements to differentiate plumbing products that meet the lead free requirements from those that are exempt from the lead free requirements and to require manufacturers to certify compliance with the lead free requirements. Comments are due 17 APR 17.

REQUEST FOR PEER REVIEWERS AND PUBLIC COMMENT: LEAD IN DRINKING WATER. EPA released materials that relate to the expert external peer review of documents intended to support EPA's Safe Drinking Water Act assessment of lead in

drinking water ([82 FR 6546](#)). EPA is inviting the public to nominate scientific experts to be considered as peer reviewers for the contract-managed peer review. The agency is also requesting public comment on the draft report, Proposed Modeling Approaches for a Health Based Benchmark for Lead in Drinking Water, and the draft charge questions for the expert peer review panel. Nominations for expert peer review were due 21 FEB 17. Comments on the draft report and panel charge questions are due 6 MAR 17.

PROTECTION ACTION GUIDE FOR DRINKING WATER AFTER A RADIOLOGICAL INCIDENT. EPA amended chapter 4 of the 2016 Protection Action Guidelines (PAG) Manual to incorporate guidance for radiation protection decisions concerning drinking water ([82 FR 6498](#)). The drinking water PAG manual is a guidance document, intended for use by federal, state, and local emergency management officials in the unlikely event of significant radiological contamination incidents, such as a disaster at a nuclear power plant, a radiological dispersal device or an improvised nuclear device, and for a duration of weeks to months but not longer than one year.

GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY. All 10 EPA regions are issuing the 2017 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities to waters of the U.S., also referred to as the 2017 Construction General Permit, or CGP ([82 FR 6534](#)). The permit, effective 16 FEB 17, provides coverage to eligible operators in all areas of the country where EPA is the NPDES permitting authority. The final 2017 CGP is substantially similar to the 2012 CGP. It includes effluent limitations and requirements for self-inspections, corrective actions, staff training, development of a stormwater pollution prevention plan (SWPPP), and permit conditions applicable to construction sites in specific states, Indian country lands, and territories. Additionally, the appendices provide forms for the submittal of a Notice of Intent, Notice of Termination, Low Erosivity Waiver, and step-by-step procedures for determining eligibility with respect to the protection of threatened and endangered species and historic properties, and for complying with the permit's natural buffer requirements. For more information about the 2017 CGP, including a copy of the permit, click [here](#).

Department of Defense Activity

UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF ARMED FORCES – PHASE II. DOD and EPA issued a final rule on discharge performance standards for 11 discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the United States, the territorial seas, and the contiguous zone ([82 FR 3173](#)). These standards are the first of three batches and address the following discharges identified as requiring control: aqueous film-forming foam (AFFF), chain locker effluent, distillation and reverse osmosis brine, elevator pit effluent, gas turbine water wash, non-oily machinery wastewater, photographic laboratory drains, seawater cooling overboard discharge, seawater piping biofouling prevention, small boat engine wet exhaust, and weldeck discharges. These discharge performance standards do not become enforceable until after promulgation of a final rule, as well as promulgation of regulations by DOD under Clean Water Act (CWA) section 312(n)(5)(C) to govern the design, construction, installation, and use of a marine pollution control device. The final rule was effective 10 FEB 17.

SUSTAINABLE PRODUCTS, SERVICES, AND CONSTRUCTION METHODS. DOD, the General Services Administration, and the National Aeronautics and Space Administration are proposing to revise the Federal Acquisition Regulation to implement policy that will improve agencies' environmental performance and federal sustainability ([82 FR 5490](#)). The proposed rule promotes the acquisition of sustainable products, services, and construction methods in order to reduce energy and water consumption, reliance on natural resources, and enhance pollution prevention within the federal government. Comments are due 20 MAR 17.

FEDERAL POLICY FOR PROTECTION OF HUMAN SUBJECTS. DOD and other federal agencies adopted revisions to the Federal Policy for the Protection of Human Subjects, originally promulgated as a Common Rule in 1991 ([82 FR 7149](#)). The final

rule is intended to better protect human subjects involved in research, while facilitating valuable research and reducing burden, delay, and ambiguity for investigators. The revisions are an effort to modernize, simplify, and enhance the current system of oversight. The final rule was effective 19 JAN 17.

GAO REPORT ON BASE REALIGNMENT AND CLOSURE (BRAC) REPORTING. The Government Accountability Office (GAO) was tasked to update its 2007 report on the environmental cleanup and transfer of installations closed under the BRAC program. GAO found that DOD captured and reported more comprehensive cost information in its environmental cost reporting for installations closed under BRAC since 2007 ([GAO 17-151](#)). DOD used a variety of methods since 2007 to continue to make progress in transfers of unneeded BRAC property. However, installation officials stated that they continue to face challenges, such as navigating multiple regulatory agencies or disposing of radiological contamination, and that these challenges increase the time it takes to clean up and transfer property. Installation officials GAO spoke with stated that they periodically reach out to officials at other installations and across services for help in learning how to expedite or resolve challenges, but that there is no formal mechanism within DOD to capture and share this type of information. Installation officials further said that a system to capture lessons learned would be helpful. GAO recommends that DOD include in future reports to Congress that the cleanup of emerging contaminants will increase cleanup costs, estimate such costs, and share best practices on mitigating cleanup and property transfer challenges. DOD concurred with GAO's recommendations.

DOD MICROGRIDS, RENEWABLE POWER, AND ENERGY EFFICIENCY INVESTMENTS. A report by the nonprofit science and technology organization Noblis Inc. and commissioned by the Pew Charitable Trusts says the DOD could "save hundreds of millions of dollars annually and boost energy security by installing more microgrids and renewable power systems, and increasing energy efficiency on military bases." The report, *Power Begins at Home*, is available [here](#).

Professional Development

DOD TRAINING SOURCES

2017 REPI WEBINAR SERIES ANNOUNCED (ONLINE). DOD's Readiness and Environmental Protection Integration ([REPI](#)) program announced its schedule of [webinars for 2017](#). The webinars showcase best practices, tutorials, and knowledge sharing on REPI partnerships that support military missions and accelerate the pace and rate of conservation. Unless otherwise noted, all webinars begin at 1:00 pm eastern. Past webinars are archived for later viewing. The 2017 series includes the following webinars:

- Incorporate Some Fun and Recreation Into Your REPI Partnership
- Environmental Law Institute Brief: Sentinel Landscape Partnership Authorities and Opportunities
- Conservation Finance Tools and Strategies
- Annual REPI Help Session for Fiscal Year (FY) 18
- The Gopher Tortoise Conservation Strategy as a Model to Protect At-Risk Species
- Leveraging GIS to Define and Make Progress Toward Your Desired End State
- Stakeholder Engagement 101: Building and Expanding Your REPI Partnership
- REPI and Water
- Can You Hear Me Now? Addressing Noise Impacts in Your REPI Partnership

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM). USACE announces course availability for the FY17 PROSPECT (i.e., Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

- Environmental Regulations Practical Application Course (Course Control Number (CCN) 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

CIVIL ENGINEER CORPS OFFICERS SCHOOL ENVIRONMENTAL TRAINING (CLASSROOM). The Navy and the Interservice Environmental Education Review Board (ISEERB) Environmental Training schedule is available. Course topics include environmental overview and management, law planning and sustainability, pollution prevention, restoration, conservation, supplemental and Internet/computer-based training, and more.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING (CLASSROOM/ONLINE). The Air Force Civil Engineering School offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS (CLASSROOM/ONLINE). The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the U.S. Army Environmental Command [website](#), which has links to training provided by DOD organizations.

FEDERAL TRAINING SOURCES

NEW APPROACHES IN REMEDIATION OF CONTAMINATED SEDIMENTS (CLASSROOM). In this two-day class, conventional and emerging technologies for remediating contaminated sediments will be addressed, including removal followed by treatment and disposal; in situ isolation of the sediments from the environment by covering the sediment with neutral materials (i.e., passive capping); active capping technologies, and monitored natural recovery, which involves monitoring processes that isolate, degrade, transform, and immobilize sediment contaminants under natural conditions. The course will address solutions to contaminants in both marine and freshwater sediments including the effects of remediation on the benthic environment. Emerging technologies that address contaminant toxicity, biogeochemistry, and transport mechanisms will also be highlighted. Classes are offered in December 2016 and February, April, June, August, and November 2017.

INTERAGENCY CONSULTATION FOR ENDANGERED SPECIES (CLASSROOM). Participants acquire basic information on conducting interagency consultation under Section 7 of the Endangered Species Act. Key information needs and procedures are addressed, with a focus on the information needs related to biological assessments and biological opinions. Lecture and discussion emphasize interagency exchange of information and solutions to support species conservation. Action agency biologists and consultants are welcome to attend. The classroom training is offered in February, April, June, and July, 2017.

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). [FedCenter.gov](https://www.fedcenter.gov) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information in the following areas:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Regulatory Watch for information on new or changed laws or regulations;
- Pollution prevention opportunities and best management practices;
- EPA enforcement notices;
- Links to state environmental programs;
- Access to [environmental assistance](#);
- Access to free, FedCenter-sponsored courses:
 - [Environmental Compliance for Federal Laboratories](#) (FedCenter membership required);
 - [Environmental Management Systems](#) (FedCenter membership required);
 - [Underground Storage Tanks](#) (FedCenter membership required);
- Environmental conferences, meetings, training, and workshop information;
- Applicable laws and Executive Orders; and
- Industry sector-specific newsletters.

FedCenter also provides member assistance services such as:

- Collaboration tools for workgroups,
- Environmental reporting tools, and
- Daily newsletter and subscription services.

SUSTAINABLE ACQUISITION TRAINING RESOURCES. The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a [spreadsheet](#) of sustainable acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

SERDP AND ESTCP WEBINAR SERIES (ONLINE). The DOD environmental research and development funding programs [SERDP and ESTCP](#) offer webinars to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and DOE audiences. Prior presentations are archived for viewing any time.

FEMP eTRAINING COURSES (ONLINE). U.S. Department of Energy's Federal Energy Management Program (FEMP) offers interactive, online eTraining courses to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses.

ENERGY STAR WEBCASTS (ONLINE). Energy Star is a EPA voluntary program that helps businesses and individuals save money and protect our climate through superior energy efficiency.

CLEAN AIR ACT GENERAL CONFORMITY TRAINING MODULES (ONLINE). The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. The training from EPA covers all aspects of the rule and is divided into four modules:

- The Basics, for top agency managers and the general public: [Module I](#) provides an overview of the program purpose, regulation content, program design, legal requirements, and relationship to other environmental programs.
- The Key Concepts, for program managers and others who need a working knowledge of the program: [Module II](#) provides information on determining applicability of regulations to federal actions, requirements for determining conformity, and the review process for a determination.
- All The Details, for individuals responsible for preparing the determination: [Module III](#) contains detailed information on evaluating conformity including emission calculations, requirements for associated programs and special situations.
- State and tribal requirements and responsibilities, for state, tribal, and local air quality managers: [Module IV](#) provides information on state and tribal requirements and responsibilities in evaluation of conformity for federal actions.

WATER MANAGEMENT BASICS (ONLINE). This FEMP course provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current EO 13693 provisions, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three-module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

USGS CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE). U.S. Geological Survey webinars are designed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the U.S. Video recordings with closed captioning are made available one to two weeks after each presentation.

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE). Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of live and archived webinars. Building on the familiar concept of [reduce, reuse, recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

ITRC TRAINING (ONLINE). The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers training courses to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents. Visit the site often to view upcoming Internet-based training events.

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). This two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

FEMP OFFERS CERTIFICATE SERIES FOR 2016 GUIDING PRINCIPLES FOR SUSTAINABLE BUILDINGS (ONLINE). FEMP is offering a five-course training series that provides updated guidance for complying with the 2016 Guiding Principles for Sustainable Federal Buildings. The series is web-based and offered on demand.

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How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

To comment on items in the *Southern Review*, please contact the Regional Environmental Coordinator listed at the top of page two.

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